IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WP(C).No. 9768 of 2004(K)

PETITIONER:

A.K. CHANDRASEKHARA WARRIER,
ADVOCATE, "KAILAS", KALARCODE, ALAPPUZHA.

BY ADV. SRI.R.HARIKRISHNAN,
SRI.SUDHEENDRAN. K.Y,
SMT.A.SINDHULAKSHMY.

RESPONDENTS:

1. **THE SECRETARY, KERALA ADVOCATES WELFARE FUND TRUSTEE COMMITTEE, BAR COUNCIL BUILDING, HIGH COURT CAMPUS, COCHIN-682 031.**
2. **STATE OF KERALA, REPRESENTED BY THE SECRETARY, DEPARTMENT OF LAW, SECRETARIAT, TRIVANDRUM.**

BY GOVERNMENT PLEADER SMT. N. SUDHADEVI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.9768/2004:

APPENDIX

PETITIONER'S EXHIBIT:

EXT.P.1: COPY OF THE REPRESENTATION FROM THE PETITIONER TO THE R.1.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH , J

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W.P.(C) NO. 9768 OF 2004

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Dated this the 10th day of August, 2007.

JUDGMENT

Challenge is on the validity of the Section 2(d) of the Kerala Advocates Welfare Fund Act. According to the petitioner, the provisions regarding the removal of the name of the advocate from the state roll maintained by the Bar Counsel is not to be insisted for the purpose of disbursement of the benefit under the welfare fund. But it is seen that the surrender of enrollment certificate is insisted only to enable the Trustee Committee to disburse the terminal benefits on cessation of practice as specified under Section 16(10) of r/w Section 2 (d) of the Act. The very concept of welfare fund is to give the fund by way of retirement benefit. If the amounts from the fund are to be paid, the same can be made only on cessation of practice. In other words, cessation of practice is the precondition for eligibility to receive the benefits. The provision is intended to properly implement the object of the Act itself and the same is not ultravires the objects of the acts.

The writ petition is accordingly dismissed.

KURIAN JOSEPH, JUDGE.

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